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PTO/SB/21 (08-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

30

Application Number

09/194,164

Filing Date

April 9, 1999

First Named Inventor

Michael DAN

Group Art Unit

1642

Examiner Name

G. Bansal

Attorney Docket No.

316082000121

ENCLOSURES (check all that apply)☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declarations☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53☐ Assignment Papers
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____

Remarks

☐ After Allowance Communication to
Group☐ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify
below):Request to Withdraw Holding of
Abandonment (2 pages)
Copies of 7/9/01 Office Action Coversheet &
Communication (2 pages)
Copies of 1/8/02 Response (23 pages)
Copies of 1/8/02 Return Receipt Postcard
and Express Mail Label (2 pages)**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm

or

Individual Name

Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, CA 94304-1018

Cara M. Coburn, Reg. No. 46,631 for Gladys H. Monroy, Reg. No. 32,430

Signature

Cara Coburn

Date

February 6, 2002

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on February 6, 2002 to: (703) 308-4242.

Martha Placid
Martha Placid

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

PATENT

Docket No. 316082000121

Client Reference No. IN-013-IS-1A14

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on February 6, 2002 to:
(703) 308-4242.

Martina Placid
Martina Placid

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael DAN et al.

Serial No.: 09/194,164

Filing Date: April 9, 1999

For: ANTIGEN BINDING FRAGMENTS
THAT SPECIFICALLY DETECT
CANCER CELLS, NUCLEOTIDES
ENCODING THE FRAGMENTS, AND
USE THEREOF FOR THE
PROPHYLAXIS AND DETECTION OF
CANCERS

Examiner: G. Bansal

Group Art Unit: 1642

RECEIVED
MAR 27 2002
TECH CENTER 1600/2900

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Notice of Abandonment dated January 28, 2002 (Paper No. 11),
Applicants request reconsideration and revival of the above-referenced application.

The nature of abandonment as stated in the Notice of Abandonment was Applicant's
failure to timely file a proper reply to the Office letter mailed on January 17, 2001 and remailed
July 7, 2001.

Applicants note that the Office Action dated 1/17/01 was remailed on July 7, 2001, and
that the response period was reset to run from July 7, 2001:

- ☒ A copy of the Office Action dated July 7, 2001 resetting the response period to run from July 7, 2001 is enclosed.

A response with extension and fee was timely filed on January 9, 2002:

- ☒ Copies of the complete filing are enclosed herewith including the U.S. Patent Office stamped return postcard indicating receipt of same, and Express Mail Label No. EL779889806US postmarked January 9, 2002.

Applicants respectfully request that the Notice of Abandonment be withdrawn and the Response be considered.

No fee is required for this Request as the Response was timely filed. However, in the unlikely event that the Patent Office determines an extension and/or other relief is required, applicant petitions for any required relief, including extensions of time, and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 316082000121. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: February 6, 2002

By:

Cara M. Coburn
Cara M. Coburn
Registration No. 46,631

for Gladys H. Monroy
Registration No. 32,430

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-
Facsimile: (650) 494-0792

**UNITED STATES DEPARTMENT OF COMMERCE**
United States Patent and Trademark OfficeAddress: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/194,164	04/09/99	DAN	3156520012

MORRISON AND FOERSTER
755 PAGE MILL ROAD
PALO ALTO CA 94304-5711

HM11/0709

EXAMINER

MANUEL, G

ART UNIT

PAPER NUMBER

1542

DATE MAILED:

07/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

RECEIVED**JUL 13 2001**

MORRISON & FOERSTER, LLP


UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

 Address: **COMMISSIONER OF PATENTS AND TRADEMARKS**
 Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents and Trademarks

Responsive to Communication Filed _____

The enclosed is a correct copy of a reference relating to the last Office action. The correction is indicated below.

 THE PERIOD FOR RESPONSE OF 3 MONTHS SET IN SAID OFFICE ACTION IS
 RESTARTED TO BEGIN WITH THE DATE OF THIS LETTER.

☒ Part 1 - Correct Reference Citation

*Remailed office action dated
1/17/01. New address is required*

 by _____
 Examiner

☐ Part 2 - Correct Reference Furnished:

Donna Chapman
 DONNA CHAPMAN
 SUPERVISORY, LEGAL
 INSTRUMENTS EXAMINER
 GROUP 1800

 by _____
 Reference Order Center

enc.

PATENT

Docket No. 316082000121

Client Reference No. IN:013-IS-1A14

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL779889806US

Date of Deposit: January 9, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Martina Placid

Martina Placid

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael DAN et al.

Serial No.: 09/194,164

Filing Date: April 9, 1999

For: ANTIGEN BINDING FRAGMENTS
THAT SPECIFICALLY DETECT
CANCER CELLS, NUCLEOTIDES
ENCODING THE FRAGMENTS, AND
USE THEREOF FOR THE
PROPHYLAXIS AND DETECTION OF
CANCERS

Examiner: G. Bansal

Group Art Unit: 1642

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REQUEST FOR A CORRECTED FILING RECEIPT

Office of Initial Patent Examination
Customer Service Center
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Please furnish the undersigned with a corrected Filing Receipt for the above-identified application. The corrections needed are as follows:

Continuing Data as Claimed by Applicant

After "THIS APPLN IS A 371 OF PCT/US97/08962 05/22/97"

Please insert --WHICH CLAIMS PRIORITY TO 08/657,449 05/22/96 ABN--

A copy of the marked-up Filing Receipt is attached.

In the unlikely event that the transmittal letter is separated from this request and the Patent Office determines that a fee is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 (referencing Docket No. 316082000121). However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: January 9, 2002

By: Cara M. Coburn

Cara M. Coburn
Registration No. 46,631

for

Gladys H. Monroy
Registration No. 32,430

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-4218
Facsimile: (650) 494-0792

O-103X
v. 6-95)

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/194,164	04/09/99	1633	\$1,952.00	316082000121	20	50	7

SUSAN K LEHNHARDT
MORRISON & FOERSTER
1290 AVENUE OF THE AMERICAS
NEW YORK NY 10104-0012

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

MICHAEL D. DAN, SCARBOROUGH, CANADA; HOWARD A. KAPLAN,
WINNIPEG, CANADA; PRADIP MAITI, WINNIPEG, CANADA.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A 371 OF PCT/US97/08962 05/22/97
WITH CLAIMS PRIORITY TO 08/657,447 05/22/96 ABN

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 05/12/99

TITLE

ANTIGEN BINDING FRAGMENTS THAT SPECIFICALLY DETECT CANCER CELLS,
NUCLEOTIDES ENCODING THE FRAGMENTS, AND USE THEREOF FOR THE
PROPHYLAXIS AND DETECTION OF CANCERS

PRELIMINARY CLASS: 435

DATA ENTRY BY: ORDONEZ, MARTA

TEAM: 11 DATE: 05/13/99

(see reverse)

Attorney Docket: 316082000121
Inventor(s): Michael DAN et al.
Date: January 9, 2002
USSN: 09/194,164
Filed: April 9, 1999

Title: ANTIGEN BINDING FRAGMENTS THAT SPECIFICALLY DETECT CANCER
CELLS, NUCLEOTIDES ENCODING THE FRAGMENTS, AND USE THEREOF
FOR THE PROPHYLAXIS AND DETECTION OF CANCERS

Papers enclosed:

1. Transmittal (1 page)
2. Fee Transmittal (1 page in duplicate, total 2 pages)
3. Amendment (12 pages)
4. Petition for Extension of Time (1 page)
5. Associate Power of Attorney (3 pages)
6. Request for Corrected Filing Receipt (2 pages)
7. Copy of Marked-up Filing Receipt (1 page)
8. Change of Correspondence Address (1 page)



CMC9/mxp4

RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF MAILING BY EXPRESS MAIL LABEL NO. EL77989806US

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MC

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PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

Application Number 09/184,164

Filing Date April 9, 1999

First Named Inventor Michael DAN

Group Art Unit 1842

Examiner Name G. Bansal

Total Number Of Pages In This Submission

23

Attorney Docket No.

316082000121

ENCLOSURES (check all that apply)☒ Fee Transmittal Form (1 page in duplicate)☐ Fee Attached☒ Amendment / Reply (12 pages)☐ After Final☐ Affidavits/declarations☒ Extension of Time Request (1 page)☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53☐ Assignment Papers
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☒ Associate Power of Attorney (3 pages)☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to
Group☐ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify
below):Request for Corrected Filing Receipt (2
pages)

Copy of marked up filing receipt (1 page)

Change of Correspondence Address (1
page)

Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENTFirm
or

Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, CA 94304-1018

Individual Name

Cara M. Coburn, Reg. No. 46,831 for Gladys H. Monroy, Reg. No. 32,430

Signature

Date

January 9, 2002

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL779889808US

Date of Deposit: January 9, 2002

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Martina Placid

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PTO/SB/17 (09-00)

Approved for use through 10/31/2002, OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL FOR FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$1,830.00

Complete if Known

Application Number 09/194,164

Filing Date April 9, 1999

First Named Inventor Michael DAN

Examiner Name G. Bansal

Group Art Unit 1642

Attorney Docket No. 316082000121

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

03-1952

Deposit
Account
Name

Morrison & Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	180	214	90	Provisional filing fee	

SUBTOTAL (1) (\$0

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
65	- 50 =	25	x 18 = \$630.00
Independent Claims	6	- 8 =	0 x 84 = \$0
Multiple Dependent			- \$250.00

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	200	204	140	Multiple dependent claims, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$910.00

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	920.00
118	1,440	218	720	Extension for reply within fourth month	
128	1,980	228	990	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,260	241	630	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Sheet	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
189	900	189	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$920.00

SUBMITTED BY

Name (Print/Type)	Cara M. Coburn for Gladys H. Monroy	Registration No. (Attorney/Agent)	46,631 32,430	Telephone	(650) 813-4218
Signature	<i>Cara Coburn</i>	Date	January 9, 2002		

WARNING: Information on this form may become public. Credit card information should not

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

02-657164

PTO/SB/17 (09-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
FOR FY 2002****DUPLICATE COPY
FOR FEE PROCESSING**

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/194,164
Filing Date	April 9, 1999
First Named Inventor	Michael DAN
Examiner Name	G. Bansal
Group Art Unit	1642
Attorney Docket No.	316082000121

TOTAL AMOUNT OF PAYMENT**(\$1,830.00)****METHOD OF PAYMENT**

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Account
Number

03-1952

Deposit
Account
Name

Morrison & Foerster LLP

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
-
- ☐
- Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

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107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

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Independent Claims	6	- 8 =	0 x 84 = \$0

Multiple Dependent = \$280.00

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109	84	209	42	**Reissue independent claims over original patent
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SUBTOTAL (2)**(\$910.00)**

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

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115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	480	Extension for reply within third month	920.00
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or fee)	
143	480	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt.	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
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169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)**(\$920.00)****SUBMITTED BY**

Name (Print/Type)

Cara M. Coburn for

Gladys H. Monroy

Registration No.
(Attorney/Agent)46,631
32,430

Telephone

(650) 813-4218

Signature

Cara M. Coburn

Date

January 9, 2002

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